

Election/Restriction

In the Office Action mailed on November 3, 2006 (Confirmation No. 6061), Applicants were requested to elect, for examination in the present application, one of the inventions of Groups I-IV, listed on pages 2-3 of the Office Action. Claims 1-25 and 27-46 are pending in this application. According to the restriction requirement, Group I includes claims 1-25, Group II includes claims 27-40, Group III includes claims 41, and Group IV includes claims 42-40. In the event that the Examiner does not reconsider the restriction requirement for the reasons stated above and in the interest of expediting prosecution, the invention of Group I, corresponding to Claims 1-25, is hereby elected, with traverse.

Remarks/Arguments

Applicants traverse and respectfully request that the Examiner reconsider the restriction requirement as the application has already been subject to a restriction requirement that included the present Groups I-IV in a single Group, former Group I, for election. Specifically, with the initial restriction requirement of March 10, 2006, the Examiner included claims 1-25 and 27-45 in a single group, Group I for election, as Group I is directed to a "method of purification of protein using anion/cation exchange chromatography by increasing concentration of solvent." The Examiner stated that the invention of Group I was independent or distinct from the invention of Group II, which included claim 26, which was directed to a "product polypeptide." The Examiner stated that a separate search would be required for each of Groups I and II because claims 1-25 and 27-45 required an independent search from the search required for claim 26, as the method of purification would require a separate search than that required for the product polypeptide. Thus, the search with respect to claims 1-25 and 27-46, according to the Examiner, would require a separate, and single, search. Accordingly, in a phone conversation with the Examiner on 2/23/2006, Applicant provisionally requested the election of Group I which included claims 1-25 and 27-45. Applicant confirmed the election of Group I, including claims 1-25 and 27-46, (claim 46, dependent on claim 45, was inadvertently omitted by the Examiner) in Applicant's response of June 12, 2006. The

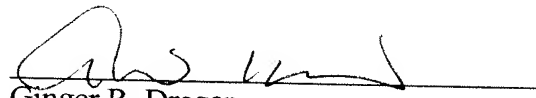
present restriction requirement of November 3, 2006 acknowledges that claims 1-25 and 27-41 are drawn to "a method for purifying a peptide." The Examiner further acknowledges that claims 42-46, "drawn to a method for purifying an antibody," are classified in class 424, subclass 1.49, the same class and subclass of claims 27-40, according to the Examiner. Thus, the required search with respect to claims 1-25 and 27-46 should necessitate a single search. The Applicant respectfully requests that the Examiner consider that a single search should not impose an undue burden. In the interest of expediting the prosecution of this application, and as the application is already in an advanced stage of prosecution, Applicant respectfully requests the Examiner to reconsider this additional restriction requirement.

The election of Group I was made with traverse. Accordingly, the Examiner is respectfully requested to reconsider and modify the present restriction requirement.

Although no fees are believed to be due at this time, please charge any fees, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641 (**Attorney Docket No.: 39766-0113A**). Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully Submitted,

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